



COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

December 19, 2005

GENERAL RELIEF (GR) PROGRAM

GR Transmittal #06-1

This transmittal contains changes and clarifications to the GR program. The transmittal reflects changes related to citizenship and alienage requirements. These policies are required by Public Law 104-193 and House Bill 1798, which passed in the 2005 General Assembly session. The changes in this transmittal are effective January 1, 2006. The transmittal changes and guidance for updating the policy manual are listed below.

Except for emergency medical, all recipients of GR must be a U.S. Citizen or qualified alien in order to receive assistance. Aliens must provide documentation required to prove qualified alien status. Policy regarding determining qualified alien status is parallel to that in the Temporary Assistance for Needy Families (TANF) Program.

There are also new requirements concerning legal presence. Citizens age 19 or older must now provide affirmative proof of citizenship or legal presence. Such proof can include documentation to prove citizenship (such as a birth certificate) or a social security number.

If a person claims to be a citizen but does not have a social security number or proof of citizenship, eligibility may exist up to 90 days or until it is determined whether or not the person is legally present. If a social security number or proof of citizenship is not provided by the end of 90 days, the person is ineligible. Current recipients must comply by the next redetermination.

The pages of this transmittal are to be incorporated in the GR Manual as follows:

Volume II, part IV, Chapter B, pages 12 – 14, dated 1/06 (4 sheets) to replace Volume II, part IV, Chapter B, pages 12 – 14, dated 7/89 (3 sheets.)

Volume II, part IV, Chapter B, pages 25 – 26, dated 1/06 (2 sheets) to replace Volume II, part IV, Chapter B, pages 25 – 26, dated 10/90 and 7/93, respectively (2 sheets).

Volume II, part IV, Chapter C, pages 7 – 9, dated 1/06 (3 sheets) to replace Volume II, part IV, Chapter C, pages 7 – 9, dated 7/89 (3 sheets).

A handwritten signature in black ink, reading "S. Duke Storen". The signature is written in a cursive style with a long horizontal flourish at the end.

S. Duke Storen
Division of Benefit Programs

Attachment

- 3) an individual who has refused assistance when eligibility has been determined to exist; or
- 4) an individual who is eligible for assistance in his own right or who is receiving **TANF** assistance as an EWB. EXCEPTIONS:
 - a) an individual who meets all other GR requirements whose application for **TANF** or SSI is pending.
 - b) an interim assistance recipient remains eligible for GR until the initial SSI check is received.

c. CITIZENSHIP AND ALIENAGE -

State law requires anyone whose needs are considered in determining the amount of assistance for GR, except for emergency medical, to be a citizen of the United States or an eligible alien.

- 1) Citizenship Status - An individual is a U.S. citizen if he is:
 - a) born in the United States, regardless of the citizenship of his parents; or
 - b) born outside the United States of U.S. citizen parents (the mother if born out of wedlock); or
 - c) born outside the United States of alien parents and has been naturalized as a U.S. citizen. A child born outside the United States of alien parents automatically becomes a citizen after birth if his parents (the mother if born out of wedlock) are naturalized before he becomes 16 years of age.

An applicant age 19 or older who declares himself a citizen must provide proof of citizenship or a valid social security number.

- 2) Alienage - An alien must be a qualified alien as defined below or meet the exception in b.3) below. If the alien does not meet the definition of a qualified alien or the exception, he does not meet the alienage requirement. An applicant age 19 or older who declares himself a citizen must provide proof of citizenship or a valid social security number.
 - a) "Qualified alien" is defined as:
 - 1) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);
 - 2) an alien granted asylum under Section 208 of the INA;

- 3) a refugee admitted to the U.S. under Section 207 of the INA, or an alien who is admitted to the U.S. as an Amerasian immigrant pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988 (as contained in section 101(e) of Public Law 100-202 and amended by the 9th provision under MIGRATION AND REFUGEE ASSISTANCE in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, Public Law 100-461, as amended), or an alien who is a victim of human trafficking.
- 4) an alien paroled into the U.S. under Section 212(d)(5) of the INA for a period of at least one year;
- 5) an alien whose deportation is being withheld under Section 243(h) of the INA (as in effect prior to April 1, 1997) or section 241(b)(3) of the INA (as amended by section 305(a) of division C of Public Law 104-208);
- 6) an alien granted conditional entry pursuant to Section 203(a)(7) of the INA as in effect prior to April 1, 1980;
- 7) an alien, and/or alien parent of battered children and/or an alien child of a battered parent who is battered or subjected to extreme cruelty while in the U.S. as defined in the TANF manual [Procedures](#) Section I.F.2; or
- 8) an alien who is a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980.

- b. **Exception for Veterans and Persons on Active Duty and Their Relatives - An alien lawfully residing in the state (not here illegally) meets the alienage requirement, provided he is:**
- 1) a qualified alien and is a veteran discharged honorably and not on account of alienage and who has served a minimum of 24 months or the period for which the person was called to active duty. "Veteran" also includes persons who served in the Philippine Commonwealth Army during World War II or as Philippine Scouts following the war;
 - 2) a qualified alien and is on active duty (other than active duty for training) in the Armed Forces of the United States; or
 - 3) the spouse or unmarried dependent child of an individual (not deceased) described in 1) or 2) above, or the surviving spouse of an individual (deceased) described in 1) or 2) above, provided the surviving spouse has not remarried and was married to the deceased veteran:
 - (a) before the end of a 15-year period following the end of the period of military service in which the injury or disease causing the death of the veteran was incurred or aggravated; or

- (b) for one year or more; or
- (c) any period of time if a child was born of the marriage or was born to them before the marriage.

The spouse or unmarried dependent child is not required to be a qualified alien.

- 3) Verification of immigration status is required at application, redetermination, and as individuals are added, using U.S. Citizenship and Immigration Services (USCIS) documents provided by the alien or, if the individual is a victim of human trafficking, using documentation from the federal Office of Refugee Resettlement. If an applicant/recipient's alien status changes or an individual who was an alien becomes a U.S. citizen, his eligibility for assistance must be evaluated under the new status unless otherwise stated in policy or procedures. Refer to the TANF manual, procedures Section I to determine alien status and eligibility.

If an alien presents expired documents as evidence of his immigration status, refer the alien to the local USCIS office to obtain documentation of status. In unusual cases involving aliens who have physical or mental disabilities that limit their ability to obtain or provide the required evidence, the worker should make every effort to assist the individual to obtain the required evidence. If the alien can provide an alien registration number, the worker should file a Form G-845 and Supplement, along with the alien registration number and a copy of any expired USCIS document presented with the local USCIS office to verify status.

The alienage/citizenship requirements in the TANF manual are applicable to an unattached child.

If an individual has no means of documenting that he is an eligible alien lawfully admitted for permanent residence or an alien permanently residing in the United States, verification may be obtained from the United States Citizenship and Immigration Services (USCIS), part of Homeland Securities.

The USCIS National Customer Service Call Center is 1-800-375-5283, or for the hearing impaired, 1-800-767-1833. The web address for USCIS is <http://uscis.gov>

When verification of immigration status is needed the Systematic Alien Verification for Entitlement (SAVE) Program is available. Refer to the TANF manual, Chapter 201.7, pages 1d-1g for instructions.

f. Sponsorship of Aliens

Aliens may be sponsored by either an individual or an agency/organization. Sponsorship satisfies a requirement of the USCIS that an individual petitioning to come to the U.S. is not likely to become a "public charge."

- 1) Agency/Organization Sponsor - If sponsored by an agency/organization, eligibility for GR does not exist for the first three years of U.S. residence unless the agency/organization no longer exists or is financially unable to provide support.

Certain Soviet Jewish refugees have been admitted to the United States under a Memorandum of Understanding (MOU) between the U.S. Department of State and two private Jewish agencies, the Council of Jewish Aid and the Hebrew Immigrant Aid Society. The MOU states that the sponsoring agency will ensure that these refugees do not require cash, medical or food stamp assistance for two years after their admission to the U.S. Refugees admitted under MOU will possess USCIS Arrival-Departure Records (I-94) which contain the following statement:

"This refugee is sponsored by the Hebrew Immigrant Aid Society and (name of local Jewish organization). Private resources are available. If assistance is sought, please call (name of local Jewish agency) at (phone number)."

The sponsorship statement is to be regarded by the worker as a lead that other income and resources may be available to meet the refugee's needs. The sponsoring agency must be contacted to determine the actual availability of any income and/or resources and use such verified information in the determination of the unit's eligibility. It is not, however, appropriate to deny an application for assistance solely on the basis of the sponsorship statement on the refugee's I-94.

2. Individual Sponsor - Individuals who petition USCIS to become a sponsor of an alien must execute an affidavit of support. In some situations, an alien may be sponsored by more than one individual. Refer to the TANF manual, Section [305.4](#) regarding sponsored alien requirements.

g. Declaration of Citizenship or Alien Status

As a condition of eligibility, all General Relief applicants/recipients shall provide, or have provided on their behalf, a signed statement attesting, under penalty of perjury, to their citizenship or alien status. An applicant/recipient age 18 or older must sign the declaration for all assistance unit members. In the absence of an adult in the assistance unit, the applicant will sign for all unit members.

The declaration is to be obtained at the time of application or when a new member is requested/required to be in the unit. Exception: A written declaration on behalf of a newborn should be obtained at the time the child is requested/required to be included in the assistance unit. The written declaration must be provided by the next eligibility determination if not obtained at the time the child is added to the assistance unit. Verification of the newborn's citizenship or alien status cannot be postponed until the next eligibility determination.

The declaration requirement is met when the applicant/recipient completes and signs the "Application for Benefits".

Any member for whom the citizenship or alien status declaration requirement has not been met:

1. shall not be eligible;
2. if required to be in the assistance unit, the income and resources of the person will be considered available to the assistance unit.

If a person 19 years of age or older claims to be a citizen and does not have documentation of citizenship or a social security number, then eligibility may exist for 90 days. If by the end of 90 days, verification is not provided, the individual is not eligible.

5. INCOME

a. Exclusions

Except as specified, the following types of income will be considered exempt and will be disregarded in determining financial eligibility and calculating the grant:

- 1) any wages, allowances, or reimbursements for transportation and attendant care costs, when received by an eligible handicapped individual employed in a project under Title VI of the Rehabilitation Act of 1973.

e. CITIZENSHIP AND ALIENAGE

Federal law requires anyone whose needs are considered in determining the amount of assistance for GR, except for emergency medical, to be a citizen of the United States or an eligible alien.

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 - a) born in the United States, regardless of the citizenship of his parents; or
 - b) born outside the United States of U.S. citizen parents (the mother if born out of wedlock); or
 - c) born outside the United States of alien parents and has been naturalized as a U.S. citizen. A child born outside the United States of alien parents automatically becomes a citizen after birth if his parents (the mother if born out of wedlock) are naturalized before he becomes 16 years of age.

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- 8) an alien who is a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980.

Note: The State assists qualified aliens to the full extent permitted by federal law.

- b. Exception for Veterans and Persons on Active Duty and Their Relatives - An alien lawfully residing in the state (not here illegally) meets the alienage requirement regardless of the date of entry into the U.S., provided he is:
- 1) a qualified alien and is a veteran discharged honorably and not on account of alienage and who has served a minimum of 24 months or the period for which the person was called to active duty. "Veteran" also includes persons who served in the Philippine Commonwealth Army during World War II or as Philippine Scouts following the war;
 - 2) a qualified alien and is on active duty (other than active duty for training) in the Armed Forces of the United States; or
 - 3) the spouse or unmarried dependent child of an individual (not deceased) described in 1) or 2) above, or the surviving spouse of an individual (deceased) described in 1) or 2) above, provided the surviving spouse has not remarried and was married to the deceased veteran:
 - (a) before the end of a 15-year period following the end of the period of military service in which the injury or disease causing the death of the veteran was incurred or aggravated; or

- (b) for one year or more; or
- (c) any period of time if a child was born of the marriage or was born to them before the marriage.

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- 3) Verification of immigration status is required at application, redetermination, and as individuals are added, using U.S. Citizenship and Immigration Services (USCIS) documents provided by the alien or, if the individual is a victim of human trafficking, using documentation from the federal Office of Refugee Resettlement. If an applicant/recipient's alien status changes or an individual who was an alien becomes a U.S. citizen, his eligibility for assistance must be evaluated under the new status unless otherwise stated in policy or procedures. Refer to the TANF manual, procedures Section I to determine alien status and eligibility.

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If an individual has no means of documenting that he is an eligible alien lawfully admitted for permanent residence or an alien permanently residing in the United States, verification may be obtained from the United States Citizenship and Immigration Services (USCIS), part of Homeland Securities.

The USCIS National Customer Service Call Center is 1-800-375-5283, or for the hearing impaired, 1-800-767-1833. The web address for USCIS is <http://uscis.gov>

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